

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09:CR-20536
HON. THOMAS L. LUDINGTON

v.

KENYA CRAYTON,

Defendant.

**ORDER DENYING MOTION TO EXTEND TIME FOR
DEFENDANT TO REPORT TO BUREAU OF PRISONS**

In November 2009, a grand jury in the Eastern District of Michigan returned a forty-nine-count indictment against fifteen defendants accused of conspiring to distribute cocaine and cocaine base near Bay City, Michigan, in violation of 21 U.S.C. §§ 841(a)(1) and 846. When the grand jury issued a second superseding indictment on August 5, 2010, the alleged conspiracy grew to include twenty-five defendants and fifty-eight criminal charges. ECF No. 182.

One of these defendants is Kenya Crayton. On January 23, 2012, Ms. Crayton entered a guilty plea to count 56 of the second superseding indictment, distribution of cocaine base in violation of 21 U.S.C. § 841(a)(1). Her release on bond was continued pending sentencing, which was originally scheduled for May 17, 2012. ECF No. 514. By stipulation of the parties, sentencing was extended three times: first to July 31, then to August 29, and finally to September 20. ECF Nos. 632, 646, 654.

On September 20, 2012, Ms. Crayton was sentenced to 37 months of imprisonment. ECF No. 657. The following month, an order was entered extending the time for Ms. Crayton to report to the bureau of prisons to begin serving her sentence. ECF No. 662. Because of Ms.

Crayton undergoing surgery to repair an abdominal hernia, her time for reporting to commence serving her sentence was extended to January 2, 2013.

On December 19, 2012, Ms. Crayton filed a motion for an additional extension of time to report to the bureau of prisons to begin serving her sentence. ECF No. 666. Writing that she is currently under the care of a physician for a heart condition, is wearing a heart monitor, and has an appointment with a heart specialist on January 29, 2013, Ms. Crayton asks for an additional 60 days to report to the bureau of prisons. The government does not consent to the motion.

The motion will be denied. About eleven months ago, Plaintiff pleaded guilty to distributing cocaine base. The Court has permitted her to remain at liberty since that time. Although sympathetic to Ms. Crayton's medical condition, the Court has a duty to enforce its sentences. *Cf.* Fed. R. Crim. P. 32(b)(1) ("The court must impose sentence without unnecessary delay."); *Williams v. United States*, 401 U.S. 667, 691 (1971) (Harlan, J., concurring) ("Surely it is an unpleasant task to strip a man of his freedom and subject him to institutional restraints. But this does not mean that in so doing, we should always be halting or tentative. No one, not criminal defendants, not the judicial system, not society as a whole is benefited by [such] a judgment."). Medical care is available while in the custody of the bureau of prisons. Ms. Crayton has been sentenced to 37 months imprisonment. The time has come for her to begin serving that sentence.

Accordingly, it is **ORDERED** that Defendant's motion for an additional extension of time to report to the bureau of prisons to begin serving her sentence (ECF No. 666) is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 20, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 20, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS